

REMARKS

Claims 1-12 remain pending in this application. Claims 1, 3, and 9 are independent. In light of the remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claim 9 under 35 U.S.C. § 102(b) as being anticipated over *Shuichi* (JP 09-037125); rejected claims 1-3 and 7-8 under 35 U.S.C. § 103(a) as being unpatentable over *Shuichi* in view of *Pine* (USP 6,714,260); rejected claims 4 and 6 under 35 U.S.C. § 103(a) as being unpatentable over *Shuichi* and *Pine*, and further in view of *Yokota et al.* (USP 5,847,662); rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Shuichi*, *Pine*, and *Yokota et al.*, and further in view of *Yoshizawa et al.* (USP 4,802,201); rejected claims 10 and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Shuichi* in view of *Yokota et al.*; and rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Shuichi* in view of *Yokota et al.* and further in view of *Anderson* (USP 6,233,016). Applicant respectfully traverses these rejections.

Examiner Interview

Applicant wishes to thank the Examiner for the interview conducted on April 29, 2005. During the interview, the parties agreed that the rejection of claim 1 would be withdrawn upon the filing of Applicant's Reply. The parties further agreed that "Applicant is permitted to conform the oscillating section element of claims 3 and 9 without further search being required by the Examiner." It is respectfully submitted that the arguments included herein are made further to the discussions had during the interview.

Claim Rejections - 35 U.S.C. § 102

In support of the Examiner's rejection of claim 9, the Examiner asserts that *Shuichi* discloses a communication device for stopping wireless oscillation at least during an imaging process when the electronic camera receives an instruction to capture an image. Applicant respectfully disagrees with the Examiner's characterization of this reference.

First, the Examiner relies on the disclosure of *Shuichi* in paragraph [0016] that describes an electronic power switch being turned on in advance of photography. *Shuichi* discloses except for transmission equipment 5, a power source is supplied to other circuits and photography housekeeping operations like a lens cover opening is performed by the device. The Examiner asserts that these teachings teach receiving an instruction to capture an image. Applicant respectfully disagrees with these assertions. Applicant maintains that the mere powering of the camera and opening the lens cover is insufficient to teach receiving an instruction to capture an image. *Shuichi* clearly discloses that the power switch is separate from the image capturing switch. Thus, the Examiner's reliance on paragraph [0016] that describes the powering of the electronic camera is insufficient to teach or suggest an electronic camera receiving an instruction to capture an image.

Further, in addition to the above argument, there is no teaching or suggestion that is directed to stopping wireless oscillation during the imaging process when the electronic camera receives an instruction to capture an image. *Shuichi* clearly discloses that upon powering of the electronic camera, no power is supplied to the transmission equipment. These teachings are insufficient to anticipate a communication device for stopping wireless oscillation when the electronic camera receives an instruction to capture an image. For at least these reasons, Applicant maintains that claim 9 is not

anticipated by *Shuichi*. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 11 and 12 are allowable for the reasons set forth above with regard to claim 9 at least based upon their dependency on claim 9.

Claim Rejections - 35 U.S.C. § 103 - *Shuichi/Pine*

In support of the Examiner's rejection of claim 1, the Examiner again relies on *Shuichi* to teach the controller causing the oscillation section to stop the generation of the carrier when the information recorder receives an instruction to capture an image, and the controller causes the oscillation section to stop at least for a period from the time when the image or audio information is captured to the time when the image or audio information is recorded. As noted above with regard to claim 9, the Examiner's reliance on that portion of paragraph [0016] is insufficient to teach or suggest receiving an instruction to capture an image. Further, the Examiner's reliance on that portion of *Shuichi* to teach or suggest stopping the generation of the carrier when the information recorder receives an instruction to capture an image is wholly erroneous. There is simply no teaching in *Shuichi* that is directed to stopping the generation of the carrier when the information recorder receives an instruction to capture an image. Further, there is no teaching or suggestion that is directed to the controller causing the oscillation section to stop for a period of time as set forth in claim 1. *Pine* fails to cure the deficiencies of the teachings of *Shuichi* as *Pine* fails to teach or suggest these claim elements. As none of the references, either alone or in combination, assuming these references are combinable, which Applicant does not admit, teach or suggest these claim elements, Applicant maintains that claim 1 is patentable over the references as cited.

It is respectfully submitted that claim 2 is allowable for the reasons set forth above with regard to claim 1 at least based upon its dependency on claim 1.

With regard to independent claim 3, the Examiner similarly relies on paragraph [0016] of *Shuichi* to teach or suggest the generating and the stopping as recited. Applicant again disagrees that the teachings of the cited references are sufficient to render claim 3 unpatentable.

Claim 3 recites, *inter alia*, a communication method of an information recording device comprising generating a carrier for wireless transmission when the wireless transmission to external equipment starts; issuing an instruction to record at least either image or audio information and stopping the carrier when an instruction to record the information is issued. Clearly, claim 3 recites stopping the generation of the carrier that was generated in the first step of the claim. As noted above, *Shuichi* teaches, upon powering of the camera, powering other circuits except for the transmission equipment. As such, there is no way that *Shuichi* could teach stopping the generation of the carrier when an instruction to record the information is issued. As noted above, *Pine* fails to cure the deficiencies of the teachings of *Shuichi*, and thus, as none of these references teach or suggest all of the claim elements, Applicant respectfully submits that claim 3 is patentable over the references as cited. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 4-8 are allowable for the reasons set forth above with regard to claim 3 at least based upon their dependency on claim 3.

Conclusion

If the Examiner has any questions concerning this application, the Examiner is requested to contact Catherine M. Voisinet, Reg. No. 52,327 at the telephone number of

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(703) 205-8000. Facsimile communications may be sent to facsimile number (703) 205-8050.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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